

STATUS OF CLAIMS

Claims 1 and 3-29 are pending.

Claims 1 and 3-29 stand rejected.

No claims have been amended.

REMARKS

Interview Summary

The undersigned thanks Examiner Weis and Examiner Karmis for the courtesy of a telephone interview conducted in two parts on September 10, 2008. The first part of the telephone interview was conducted with both Examiners. The second part was conducted only with Examiner Weis.

In the first part of the telephone interview, the undersigned began the interview by noting that Examiner Weis had already agreed in the telephone interview of August 12, 2008, to withdraw all outstanding rejections of record. The undersigned further stated that he understood the purpose of the interview to be to discuss claim amendments to avoid any Section 101 issues that would otherwise be raised by the Office and thereby place the case in condition for allowance. The Examiners did not wish to discuss such claim amendments and instead requested an explanation of the claimed invention. The undersigned explained the general nature of the method recited in claim 1, with reference to the non-limiting example of a bank providing non-qualified benefit plans for employees. After this explanation, the Examiners indicated that they understood the nature of the invention.

The Examiners agreed, as Examiner Weis had previously agreed in the telephone interview of August 12, 2008, that U.S. Patent No. 7,149,713 (Bove), does not teach limitations of claims 1 and 15 relating to liabilities, and hence that the rejection will be withdrawn.

In the second part of the telephone interview, Examiner Weis stated he and Examiner Karmis agreed that a search had identified no patent prior art that would provide grounds for a rejection of the present claims. Examiner Weis stated that Examiner Karmis had directed him to conduct a thorough non-patent literature search. He stated that a brief response to the Office Action would be sufficient, and that he would promptly complete the non-patent literature search, and be available to discuss the case this month.

Priority Claim

The present application claims priority from and benefit of U.S. Provisional Patent Application Serial No. 60/266,574, filed February 5, 2001 (the '574 Application). In the Office Action, the Examiner stated that the Examiner finds that the claimed limitations are not supported by the '574 Application and that therefore, Applicant's priority date will be the filing date of the original application, January 31, 2002.

The determination as to the priority claim is respectfully traversed. Applicant respectfully notes that the Examiner indicated in the telephone interview of August 12, 2008, that he did not understand the invention as recited in claim 1, and particularly did not understand the term "liabilities" as used in claim 1, at the time of preparing the Office Action. Accordingly, now that the Examiner has an understanding of the invention as recited in claim 1, it is respectfully submitted that it is clear that the claims are supported by the '574 Application. Acknowledgment of the claim to priority and benefit is respectfully requested.

Special Status

The present application should be accorded special status, pursuant to MPEP Section 702.02. That section states:

707.02 Applications Up for Third Action and 5-Year Applications

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner

(emphasis added). As this application has now been pending more than 5 years (in fact, more than 6 years), the application is to be considered special. Prompt completion of the thorough non-patent literature search noted above, and, a telephone call to the undersigned to discuss and attempt to resolve any issues not raised in the Office Action, are accordingly respectfully requested, consistent with the special status of this application. As the undersigned stated during

the telephone interviews of August 12, 2008, and September 10, 2008, the undersigned is prepared to discuss claim amendments to place the case in condition for allowance and avoid any Section 101 issues that would otherwise be raised by the Office.

35 USC §103(a) Rejections

In the Office Action, the Examiner rejected Claims 1 and 3-29 as being unpatentable over U.S. Patent No. 7,149,713 (Bove) in view of U.S. Patent No. 5,999,917 (Facciani).

For the reasons discussed in the telephone interviews of August 12, 2008, and September 10, 2008, and acknowledged by Examiner Weis on August 12, 2008, and confirmed by Examiners Weis and Karmis on September 10, 2008, the rejection of claim 1 will be withdrawn, as failing to present a proper *prima facie* case of obviousness, for at least the reason that the Bove reference fails to teach any limitation of claims 1 and 15 relating to liabilities.

Applicant understands that the Examiner has agreed to withdraw the rejection of claims 3-14 under Section 103 at least by virtue of their dependence from allowable base claim 1. Similarly, Applicant understands that the Examiner has agreed to withdraw the rejection of claims 16-29 at least by virtue of their dependence from allowable base claim 15.

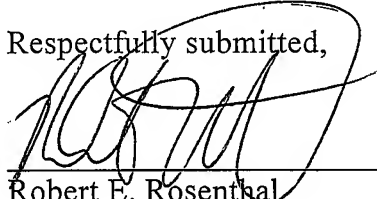
CONCLUSION

As the Examiner has agreed to withdraw the only outstanding grounds for rejection, the application is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Dated: September 11, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert E. Rosenthal', is written over a horizontal line.

Robert E. Rosenthal
Registration No. 33,450
Howard IP Law Group, PC
P.O. Box 226
Fort Washington, PA 19034
Tel: (215) 542-5824
Fax: (215) 542-5825